



**Response to lower Churchill Hydroelectric Generation
Project Environmental Impact Statement**
Registry Number 07-05-26178

Labrador Metis Nation
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1.0 Introduction

The Labrador Metis Nation herein referred to as LMN has prepared the following comments regarding the Information responses, EIS guidelines and cumulative effects for the Lower Churchill Hydroelectric Development Project as submitted by the Proponent, Nalcor Energy, herein referred to as “Nalcor”.

The concerns and recommendations within this report were gathered through community consultations with the communities of Forteau, Mary’s Harbour, St.Lewis, Port Hope Simpson, Cartwright, Black Tickle, and Happy Valley - Goose Bay and reviewing LMN policies.

According to Section 1, subsection 1.1, Volume 1B; the Purpose of the EIS Guidelines is;

“ ...The Proponent will prepare and submit an EIS that will identify alternatives to the Project, alternative methods for carrying it out, the environment that will be affected, the important environmental effects associated with the Project, measures that are required to mitigate against any adverse effects and the significance of residual environmental effects.”

It is the position of LMN that this has not occurred within all aspects of the Environment Impact Statement that has been submitted by Nalcor, and is contradictory of the EIS Guideline Precautionary Principal and overall spirit of an Environmental Impact Statement.

2.0 Background

The Communities of the Labrador Metis Nation are well known to the federal, provincial, and municipal governments. The LMN is Labrador’s largest aboriginal organization and represents the interests of approximately six thousand (6000) Inuit descendents. The membership is concentrated in communities throughout southern and central Labrador, many of which will be drastically impacted by this project. The LMN communities assert aboriginal rights, titles and other interests over the lands, waters and other natural resources impacted by the Project.

The LMN is an entity which has been created to represent their respective communities with regards to the protection of their communal aboriginal rights, titles and interests as a collective, thus providing a unified voice in dealings and negotiations with the Crown.

The LMN is both a registered society and, at the same time, a self-governing organization of the communities of Inuit-descendents living in southern and central Labrador. The LMN communities have chosen the LMN as their representative, with respect to the management, protection and promotion of aboriginal rights, titles and interests.

The objective upon which the LMN was established was for the protection, maintenance and development of hunting, fishing, trapping and land use rights; and the provision of guidance and protection for the legal, constitutional and aboriginal rights of its members and communities.

Under LMN bylaws, the only persons entitled to full membership within the LMN must either Inuk or Inuit-Metis who are ordinarily resident of Labrador.

“Inuit” means the aboriginal people of Labrador that have traditionally used and occupied and whose descendent currently use and occupy the lands, air, surface and sub-surface, fresh and salt waters, sea ice and sea bed of Labrador.

“Inuit-Metis” means a person with Inuit ancestry who self-identifies as Inuit-Metis and whose ancestors were, and who is, a member of an Inuit descendent community in Labrador.

3.0 Deficiencies of the Submitted Environmental Impact Statement and Information Responses

3.1 Total Suspended Solids (TSS)

The material in the Information Response and the Executive Summary is unclear. It is very confusing to determine to what extent the TSS levels are going to rise from their current baseline values. According to CCME guidelines (2007) for the protection of Freshwater Aquatic Life (FAL), long term increases in TSS should not exceed 5 mg/L above natural baseline. However, the Nalcor Information Response JRP.120 states:

“Based on the water and sediment modeling study conducted by Minaskuat Inc. (2008), TSS concentrations would increase substantially (12 to 30mg/L) for a number of years post-impoundment in the Muskrat Falls reservoir. These peak concentrations are expected to decline within 5 to 10 years post-impoundment as shoreline erosion rates decrease and after most flooded biomass have decomposed. Minaskuat Inc. (2008) also mentions that “[s]everal river systems throughout Canada have healthy fish populations despite natural TSS concentrations exceeding projections of this study” (p. 7-4). No additional details on the effect of TSS on freshwater aquatic life in the specific context of the lower Churchill River are provided in the study or in the EIS.”

If elevated levels above 5mg/L are going to last from the first 5-10 years after impoundment, then how is the aquatic life going to thrive? Nalcor’s own report states in Section 4.7.5 Total Suspended Solids, Volume IIA, pg. 4-10 states:

“Suspended sediment can reduce the photic zone and, hence, limit the area available for photosynthesis. It can increase surface water temperatures, possibly altering the depth of thermocline development, and can absorb nutrients; thus, making the nutrients biologically unavailable.”

Without nutrients and oxygen (lowered due to warmer waters) created by an increase in TSS; how are the fish to live in the “newly created habitat that increases adequate fish habitat by 126km²”? There are no studies that indicate how the effect of increasing TSS will have on the

temperature of the water in the upper portions of both the river and reservoir environments. The entire section regarding Total Suspended Solids is unacceptable, and contradictory of the EIS Guidelines Precautionary Principal.

Seepage of the Cofferdams and length of time the Cofferdams will be in place have to be taken into consideration. Also where Cofferdams are erected on soils that are pervious, the flow of water into the cofferdam cannot be completely stopped this can lead to an extended TSS issue during the construction phase.

It is the LMN's position that our concerns with TSS on this project have not been adequately addressed and furthermore the statement "[s]everal river systems throughout Canada have healthy fish populations despite natural TSS concentrations exceeding projections of this study" is misleading and does not apply nor relate to the Environment of the Churchill River.

3.2 Down Stream Effects

Currently there are no conclusive studies contained within the submitted Information Responses or the EIS regarding the effects this project will have on the Environment past the mouth of the Churchill River, which is indeed "Down Stream" of the proposed dam locations, Nalcor Information Response JRP.56 states:

"Northwest Hydraulic Consultants conducted a sedimentation and morphodynamics study on the lower Churchill River to determine the potential effects of the Project on future sediment transport and associated river morphology (Northwest Hydraulic Consultants 2008). They concluded sediment transported downstream from Muskrat Falls will be much reduced. This will lead to a new equilibrium of erosion and deposition being established within the river below Muskrat Falls. The reach above Muskrat Falls supplies 60% of the total sediment inflow which would be trapped by Muskrat Falls Dam. The remaining 40% of the total sediment inflow enters the river downstream of Muskrat Falls as a result of erosion of terrace and bank sediments along the channel. A sediment deficit downstream, will lead to general downstream bed degradation as there was no evidence of appreciable quantities of coarser gravel-sized sediments for armoring".

The LMN is concerned with this change in sediment flow below Muskrat Falls and how this lack of sediment will affect the Bridge/Causeway constructed for the TLH just downstream of Muskrat Falls.

3.3 Socio-Economic Environment

3.3.1 Community Compensation and Mitigation

EIS, Volume III, Section 4.5.5 (Socio-economic Effects Analysis and Effects Management) and Information Response JRP 108 states:

“The EIS indicates that the Project will have some impact on the Upper Lake Melville area, for example reduction in the life-expectancy of the Happy Valley – Goose Bay landfill, increased passenger traffic at the airport, increased congestion on roads in the area, added demand to the regional healthcare facilities and potentially other socio-economic impacts arising from increased labor demands, demands for housing and other negative impacts (volume III – p.4-17 to 4-20). The EIS indicates that these impacts will not be significant. The primary mitigation strategy to manage these impacts is the use of work camps removed from HVGB and surrounding communities, consultation and liaison with various municipal and other stakeholders, and a suggestion that responsible companies/organizations will respond to the increased demands as part of their normal business mandate. However, there is no indication in the EIS if the Proponent plans to offer any grants or other financial compensation to the affected Communities”.

Low to Middle income housing and living accommodations are at a minimum in the Upper Lake Melville area and primarily Happy-Valley Goose bay. Numerous reports have been issued to the LMN from our members complaining of lack of affordable housing in the area. The LMN feels that this is a problem with be further compounded by the “in-migration” as a result of the project.

3.3.2 Adjacency Principle

*Section 4.5.1 of the EIS Guidelines requires that the assessment of the beneficial and adverse effects of the Project on the socio-economic environment shall consider "how the project may affect various segments of the local populations (e.g., youth, elders, men, women, Aboriginal groups, harvesters, and existing workforce including professionals). The EIS does not adequately address these requirements. There is no discussion in the EIS of the overall effect of the Project on women or other groups as described in the Guidelines. Section 4.4.4.7 requires the Proponent to describe "relevant economy, employment and business elements in the study areas of the VECs, including the following: (f) employment equity and diversity, including underrepresented groups (e.g., Women, persons with disabilities, Aboriginal groups). As well, section 4.6.1 requires the Proponent to "describe a human resources plan that includes a description of **objectives and strategies** (emphasis added) to address labor force availability, skilled trades recruitment, diversity in recruitment, training and employment equity. The plan should also minimally **identify employment objectives and targets** (emphasis added) for women and other labour force groups if applicable."*

Nalcor has also committed to giving first consideration for construction employment to qualified, experienced personnel adjacent to the resource. This will be further supported by Nalcor's commitment to communication of Project goals for career readiness, pre-development training initiatives, and participation in Aboriginal career information sessions.

The LMN applauds Nalcor's commitment to hire Aboriginal workers and ensuring a "Labrador first" type policy when handing out jobs and/or contracts on the project. The LMN has concerns of how this policy will play out, we know there has been work completed by Nalcor recently on the Lower Churchill such as Drilling information program, 2007 and also Nalcor Offices in St. John's committed to the Lower Churchill Project. The LMN would like to see a breakdown of how Nalcor's adjacency principle was applied on past and present work concerning the Lower Churchill Project.

3.4 Archaeological Studies

LMN disagrees with Nalcor's assumption that the majority, if not all, of the archaeological sites present within the Assessment Area have been identified. Furthermore the LMN feels the archaeological studies completed for this Project are inadequate and biased.

The artifacts recovered during the excavation were automatically determined to be of a certain origin. The Labrador Métis Nation were not consulted, or given access to the artifacts in question to determine authenticity. Traditionally, it has been the Labrador Métis Nation who has used the Lower Churchill River as its primary hunting and trapping locations. Many others important Archaeological sites likely exist within the Assessment Area and the LMN feels they need to be consulted on all associated Archaeological work in the area.

3.5 Project Footprint

First and foremost, the current EIS as it stands does not contain any study pertaining to the effects two hydroelectric dams along the Lower Churchill River will have outside of the mouth of the Churchill River. This is unacceptable to the LMN, as it will have a larger effect on all environments (aquatic, terrestrial, atmospheric, and socio-economic) extending past the mouth of the Churchill River where it enters Lake Melville (Goose Bay).

"There is no stop sign at the mouth of that river to stop all that runs out of it, fish and all the garbage in that river isn't going to stop just because the river does."

Cartwright, June 10, 2009.

3.6 Consultation

3.6.1 Consultation with the LMN

The EIS Guidelines require the EIS to "*demonstrate the Proponent's understanding of the interests, values, concerns, contemporary and historic activities, Aboriginal traditional knowledge and important issues facing Aboriginal groups, and indicate how these will be considered in planning and carrying out the Project.*" (p. 40) The Proponent is required to

consult with Aboriginal groups and communities for the purpose of fulfilling three objectives, namely:

- Familiarize the group with the Project and its potential environmental effects;
- Identify any issues of concern regarding potential environmental effects of the Project; and
- Identify what actions the Proponent is proposing to take to address each issue identified, as appropriate.

The LMN takes great concern in the level or lack of consultation we have received from Nalcor as it relates to the EIS for the Lower Churchill Project.

3.6.2 Consultation with LMN Trappers

The EIS states that “[l]oss of any established trap lines as a result of reservoir inundation will be permanent and localized to the areas of the reservoir. Trappers will be compensated by Nalcor Energy if they can demonstrate continuous and successional use.” (p. 5-34). The EIS Guidelines require the Proponent to describe, in general terms, proposed compensation programs and arrangements for losses relating to “access, harvests, added harvesting efforts and costs that may be incurred by users of the land and its resources (e.g. tourism operators, trappers, subsistence hunters)” (p. 38). The EIS Guidelines also require that the Proponent make a comparison with compensation programs for other projects and other resource development activities. With regards to the details of the compensation program, the EIS mentions that it “will be developed as the Project proceeds.” (Volume III, p. 5-11)

LMN Trappers have traditionally trapped in the Churchill River Valley from Kenamu River all the way to Churchill Falls. The LMN feels that any project compensation program put together for trappers will have to involve the LMN in direct consultation.

Nalcor states; “*The Trapping Compensation Program (TCP) will be finalized and in place prior to commencing construction.*” The LMN feels that this is an unacceptable timeline for an issues so significant many of our elders and would like to see a firm date on when a TCP for the project will be completed.

4.0 Conclusion

It is the position of the Labrador Metis Nation that this project is not in the best interest of its members, or for Labradorians as a whole as it is submitted. Further study is needed within the Assessment Area, in particular in the concerns we have listed above, and the surrounding waters in particular past the mouth of the Churchill River.

Lack of Consultation and participation with the LMN on this project has deeply concerned our membership. We urge the Panel to consider our concerns, and make the appropriate decisions in protecting our environment and people. Our ancestors have used this land for hundreds of years. It is our home, our land, our legacy and our future.